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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,931	07/14/2003	Stephen G. Perlman	08258.P007C2	6609

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THE LAW OFFICES OF BRADLEY J. BEREZNAK  
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MOUNTAIN VIEW, CA 94040

EXAMINER
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MILLS, DONALD L

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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10/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/618,931

Applicant(s)

PERLMAN, STEPHEN G.

Examiner

Donald L. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :09/08/2005; 10/18/2005; 10/27/2005.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 45-72 is rejected under 35 U.S.C. 102(e) as being anticipated by Rios (2004/0125820 A1).

Regarding claims 45, 51, 55, 62, Rios discloses a multiprotocol WLAN access point devices, which comprises:

*A first transceiver operable to receive data transmitted on a first channel of a first frequency band; a second transceiver coupled to the first transceiver, the second transceiver operable to transmit data on a second channel of the first frequency band; and a third transceiver coupled to the first and second transceivers, the third transceiver operable to transmit and receive data in a second frequency band* (Referring to Figures 1 and 3B, device **105** is a Triple Single Protocol AP Repeater (TSPAPR); one of the many repeaters such as MPR **111**, MPR **112** and HCMPR **115** forming a tree topology, which provides simultaneous IEEE 802.11a (first transceiver operable to transmit on a first channel of a first frequency band) and 802.11b (third transceiver coupled to the first and second transceivers, operable to transmit and receive on a second frequency band) AP functionality while incorporating a wireless 802.11a connection

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(second transceiver operable to transmit data on a second channel on the first frequency band) back to the distribution system. The TSPAPR 105 consists of three independent, distinct, single protocol Access Points 106, 107 and 108, respectively. See paragraph 0025.)

Regarding claims 46 and 68, Rios discloses *wherein the first, second and third transceivers each include a transmitter and receiver* (Referring to Figures 1 and 3B, TSPAPR 105 consists of three independent, distinct, single protocol Access Points 106, 107 and 108, respectively (each with a transmitter and receiver). See paragraph 0025.)

Regarding claims 47 and 69, Rios discloses *wherein the second transceiver is further operable to receive data on the second channel and the first transceiver is further operable to transmit data on the first channel, such that the repeater is operable to function in a bi-directional manner* (Referring to Figures 1 and 3B, device 105, TSPAPR, provides simultaneous IEEE 802.11a and 802.11b AP functionality while incorporating a wireless 802.11a connection back to the distribution system. The TSPAPR 105 consists of three independent, distinct, single protocol Access Points 106, 107 and 108, respectively. See paragraph 0025.)

Regarding claims 48 and 52, Rios discloses *wherein the transmitters and receivers of the first and second transceivers are frequency programmable* (Referring to Figure 1, like the multiprotocol access point, the TSPAPR utilizes a tunable frequency-band in both the 2.4 and 5 GHz bands. See paragraphs 0028-0029.)

Regarding claims 49, 60, 70, and 71, Rios discloses *wherein the transmitters and receivers of the first, second, and third transceivers are frequency programmable* (Referring to Figure 1, like the multiprotocol access point, the TSPAPR utilizes a tunable frequency-band in both the 2.4 and 5 GHz bands. See paragraphs 0028-0029.)

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Regarding claims 50, 54, 61, and 72, Rios discloses *wherein the first frequency band is a 5GHz frequency band and the second frequency band is a 2.4GHz frequency band* (Referring to Figures 1 and 3B, device **105**, TSPAPR, provides simultaneous IEEE 802.11a (5 GHz) and 802.11b (2.4 GHz) AP functionality while incorporating a wireless 802.11a connection back to the distribution system. See paragraph 0025.)

Regarding claim 53, Rios discloses *wherein the downstream transceiver transmits data on a second channel of the first frequency band* (Referring to Figures 1 and 3B, device **105**, TSPAPR, provides simultaneous IEEE 802.11a and 802.11b AP functionality while incorporating a wireless 802.11a connection (second transceiver operable to transmit data on a second channel on the first frequency band) back to the distribution system. See paragraph 0025.)

Regarding claim 56, Rios discloses *wherein the at least one destination device comprises a media receiver connected to a display device* (Referring to Figure 1, the TSPAPR utilizes the IEEE 802.11 standard for data packet transmission, such as voice, data, or video media content as commonly transmitted over a WLAN to destination device such as the wireless stations, typically computers, comprising a display device. See paragraph 0033.)

Regarding claims 57 and 63, Rios discloses *wherein the source device operates in the first frequency band* (Referring to Figures 1 and 3B, device **105**, TSPAPR, provides simultaneous IEEE 802.11a and 802.11b AP functionality while incorporating a wireless 802.11a connection back to the distribution system (source device), with other repeaters providing similar 802.11a connectivity. See paragraph 0025.)

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Regarding claim 58, Rios discloses *wherein either the upstream transceiver or the downstream transceiver operates at any given time* (Referring to Figures 1 and 3B, device **105**, TSPAPR, provides simultaneous IEEE 802.11a and 802.11b AP functionality while incorporating a wireless 802.11a connection back to the distribution system. See paragraph 0025.)

Regarding claim 59, Rios discloses *wherein the source device transmits data in the second frequency band* (Referring to Figures 1 and 3B, device **105**, TSPAPR, provides simultaneous IEEE 802.11a and 802.11b AP functionality for wireless station **110** (source device transmitting in the second frequency band) while incorporating a wireless 802.11a connection back to the distribution system. See paragraph 0025.)

Regarding claim 64, Rios discloses *wherein one of the plurality of repeaters re-transmits the data directly to two or more of the repeaters* (Referring to Figures 1 and 3B, MPR1 **111** retransmits signals to MPR **112** and HCMPR **115**.)

Regarding claim 65, Rios discloses *wherein the source device is coupled to a broadband data network* (Referring to Figure 1, receiving transmission from an STA, such as **110**, that are coupled to the broadband wireless network.)

Regarding claim 66, Rios discloses *wherein either the upstream or downstream transceiver operates at any given time* (Referring to Figures 1 and 3B, device **105**, TSPAPR, provides simultaneous IEEE 802.11a and 802.11b AP functionality while incorporating a wireless 802.11a connection back to the distribution system. See paragraph 0025.)

Regarding claim 67, Rios discloses *wherein the destination device receives the data in the second frequency band from the additional transceiver* (Referring to Figure 1, the TSPAPR

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utilizes the IEEE 802.11b standard for data packet transmission to wireless station 110. See paragraph 0027 and 0033.)

### *Conclusion*

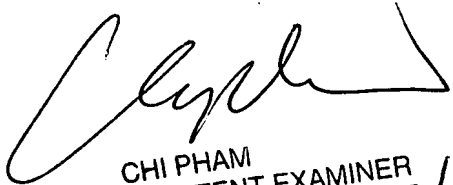
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Mills/

September 20, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
9/27/07